

ORIGINAL



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION
312 North Spring Street, Room G-8
Los Angeles, CA 90012
Tel: (213) 894-3535

SHERRI R. CARTER
District Court Executive and
Clerk of Court

December 26, 2007

Clerk, USDC, Southern District of California
4290 Edward J. Schwartz
United States Courthouse 940 Front Street
San Diego, CA 92101

FILED
08 JAN -7 PM 3:22
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
SOUTHERN DIVISION
411 West Fourth Street, Suite 1053
Santa Ana, CA 92701-4516
(714) 338-4750
EASTERN DIVISION
3470 Twelfth Street, Room 134
Riverside, CA 92501
(951) 328-4400
DEPUTY

'08 CV 0061 W AJB

Re: Transfer of our Civil Case No. ED CV 07-1470 CBM (AN)

Case Title: Norman Brown v. L.E. Scribner

Dear Sir/Madam:

An order having been made transferring the above-numbered case to your district, we are transmitting herewith our entire original file in the action, together with certified copies of the order and the docket. Please acknowledge receipt of same and indicate below the case number you have assigned to this matter on the enclosed copy of this letter and return it to our office. Thank you for your cooperation.

Very truly yours,

Clerk, U.S. District Court

By *Alphonse Mahan*
Deputy Clerk

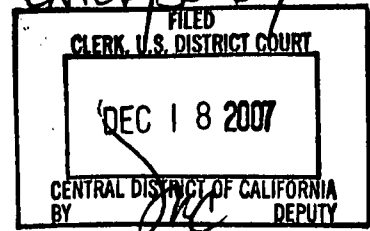
cc: All counsel of record

TO BE COMPLETED BY RECEIVING DISTRICT

Receipt is acknowledged of the documents described herein and we have assigned this matter case number CV: _____

Clerk, U.S. District Court

By _____
Deputy Clerk



12/26/07
I hereby attest and certify on
that the foregoing document is a true and
and correct copy of the original on file in
my office, and in my legal custody.

CLERK U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

DEPUTY CLERK

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
EASTERN DIVISION

NORMAN BROWN,

Petitioner,

v.

L. E. SCRIBNER, Warden,

Respondent.

Case No. EDCV 07-01470 CBM (AN)

ORDER TRANSFERRING ACTION
TO UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

On October 24, 2007, petitioner Norman Brown, a state prisoner proceeding in pro se, filed his pending habeas petition pursuant to 28 U.S.C. §2254 in the United States District Court for the Southern District of California. Subsequently, on November 7, 2007, the Southern District transferred the petition to this Court because it was apparently under the impression that the petition "attacks a judgment of conviction that was entered in the Riverside County Superior Court," which is within the Central District of California. (11/2/07 Order (JAH) at 1:25-28 (Docket No. 4).)

However, pursuant to the Court's duty to conduct a pre-service screening of habeas petitions,^{1/} this Court finds that it plainly appears from the face of the Petition that it is brought for the express purpose of attacking the execution of Petitioner's sentence,

^{1/} See Rule 4 of the Rules Governing Habeas Corpus Cases Under Section 2254.

1 not his judgment of conviction or sentence itself. Specifically, the Petition expressly
2 states it constitutes Petitioner's attack or "first challenge" to the "calculation of
3 [Petitioner's] release date." (Petition, pages 1 and 2.) It also plainly appears from the
4 face of the Petition that Petitioner is confined at the Calipatria State Prison in Imperial
5 County, which is located within the Southern District of California. *See* 28 U.S.C. §
6 84(d).

7 Venue for a habeas action is proper in either the district of confinement or the
8 district of conviction. *See* 28 U.S.C. §2241(d). When a habeas petition attacks the
9 petitioner's underlying judgment of conviction or sentence, the district court for the
10 district in which the petitioner was convicted and sentenced is a more convenient forum
11 because of the accessibility of evidence, records and witnesses. Thus, it generally is the
12 practice of the district courts in California to transfer habeas actions questioning state
13 convictions/sentences to the district in which the petitioner was convicted and sentenced.
14 *See Laue v. Nelson*, 279 F. Supp. 265, 266 (N.D. Cal. 1968).

15 However, when as here, the petition is directed to the manner in which a sentence
16 is being executed, the district of confinement is the preferable forum. *See Dunn v.*
17 *Henman*, 875 F.2d 244, 249 (9th Cir. 1989) (stating, in 28 U.S.C. § 2241 action, that
18 "[t]he proper forum to challenge the execution of a sentence is the district where the
19 prisoner is confined."); *Russo v. Newland*, 2000 WL 194812, *1 (N.D. Cal.); *accord, In*
20 *re Phelon*, 2002 WL 31618536, *1 (N.D. Cal.); *Thomas v. Hepburn*, 2001 WL 505916,
21 *1 (N.D. Cal.); *McKnight v. Forman*, 1997 WL 50267, *1 (N.D. Cal.).

22 As discussed above, by his Petition, Petitioner expressly attacks the execution of
23 his sentence, specifically, the California Department of Corrections's calculation of his
24 release date, not his judgment of conviction or sentence itself. The face of the Petition
25 also establishes Petitioner is currently imprisoned within the Southern District of
26 California. Accordingly, the Court finds the proper forum is the Southern District of
27 California since it is the judicial district of Petitioner's confinement.

28 ///

1 Based upon the foregoing, the reference to the Magistrate Judge is vacated.
2 Further, pursuant to 28 U.S.C. §§ 1404(a) and 2241(d), and in furtherance of the
3 interest of justice,

4 **IT IS ORDERED** that the Clerk of this Court transfer this matter back to the
5 United States District Court for the Southern District of California.

6 **IT IS FURTHER ORDERED** that the Clerk of this Court serve a copy of this
7 Order upon Petitioner and upon the California Attorney General.

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10 DATED: Dec. 14, 2007



CONSUELO B. MARSHALL
SENIOR DISTRICT JUDGE

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13 Presented by:

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Arthur Nakazato
17 United States Magistrate Judge
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194, CLOSED, RELATED-DDJ

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF
CALIFORNIA (Eastern Division - Riverside)
CIVIL DOCKET FOR CASE #: 5:07-cv-01470-CBM-AN
Internal Use Only**

Norman Anthony Brown vs. L E Scribner
Assigned to: Judge Consuelo B. Marshall
Referred to: Magistrate Judge Arthur Nakazato
Related Case: 2:99-cv-09057-CBM-AN
Case in other court: USDC Southern District of
California, 3:07-cv-2079-JAH-
AJB

Date Filed: 11/07/2007
Date Terminated: 12/18/2007
Jury Demand: None
Nature of Suit: 530 Habeas
Corpus (General)
Jurisdiction: Federal Question

Cause: 28:2254 Petition for Writ of Habeas Corpus
(State)

Petitioner

Norman Anthony Brown

represented by **Norman Anthony Brown**
CDC C-52068
California State Prison
PO Box 5004
Calipatria, CA 92233
PRO SE

I hereby attest and certify on 12/26/07
that the foregoing document is a full, true
and correct copy of the original on file in
my office, and in my legal custody.

CLERK U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Respondent

L E Scribner

[Signature]
DEPUTY CLERK



Date Filed	#	Docket Text
12/18/2007	<u>13</u>	ORDER by Judge Consuelo B. Marshall transferring case to Southern District of California. Presented by Magistrate Judge Arthur Nakazato. Original file, certified copy of the transfer order and docket sheet sent. (MD JS-6. Case Terminated.) (smi) (Entered: 12/21/2007)
12/17/2007	<u>12</u>	NOTICE OF DISCREPANCY AND ORDER: by Judge Arthur

		Nakazato, ORDERING Motion for committing County to Produce Documents of Commitment to State Prison of Petitioner submitted by Petitioner Norman Anthony Brown received on 12/11/07 is not to be filed but instead rejected. Denial based on: LR 11-4.1 No copy provided for Judge. Pre-service review of Petition is still pending. (smi) (Entered: 12/20/2007)
12/17/2007	11	NOTICE OF DISCREPANCY AND ORDER: by Judge Arthur Nakazato ORDERING Motion for Production of Documents submitted by Petitioner Norman Anthony Brown received on 12/11/07 is not to be filed but instead rejected. Denial based on: LR 11-4.1 No copy provided for Judge. Pre-service review of Petition pursuant to Habeas Rule 4 is pending. (smi) (Entered: 12/20/2007)
12/02/2007		(Court only) FILING FEE of \$5.00 PAID Re: Petition for Writ of Habeas Corpus (2254)[9] (mrgo) (Entered: 12/07/2007)
11/07/2007		(Court only) ***Set Flag. (gg) (Entered: 11/16/2007)
11/07/2007	10	NOTICE OF REFERENCE TO A U.S. MAGISTRATE JUDGE. Pursuant to the provisions of the Local Rules, the within action has been assigned to the calendar of Judge Consuelo B. Marshall and referred to Magistrate Judge Arthur Nakazato to consider preliminary matters and conduct all further matters as appropriate. The Court must be notified within 15 days of any change of address. (gg) (Entered: 11/16/2007)
11/07/2007	9	Conformed copy of PETITION for Writ of Habeas Corpus by a Person In State Custody (28:2254). Case assigned to Judge Consuelo B. Marshall and referred to Magistrate Judge Arthur Nakazato. (Filing fee \$5 due), filed by petitioner Norman Anthony Brown.(gg) Modified on 11/16/2007 (gg,). (Entered: 11/16/2007)
11/07/2007	8	Conformed copy of Request to Proceed In Forma Pauperis, Declaration in Support, filed by petitioner Norman Anthony Brown. (gg) Modified on 11/16/2007 (gg,). (Entered: 11/16/2007)
11/07/2007	7	Conformed copy of REQUEST for Appointment of Counsel and Declaration for Counsel, filed by petitioner Norman Anthony Brown. (gg) Modified on 11/16/2007 (gg,). (Entered: 11/16/2007)

		11/16/2007)
11/07/2007	6	Certified copy of 11/2/07 ORDER transferring case from USDC Southern District of CA to USDC Central District of CA, signed by U. S. District Judge John A. Houston. (gg) (Entered: 11/16/2007)
11/07/2007		ORIGINAL file, certified copy of transfer order and docket sheet received from USDC Southern District of CA; Case Number 3:07-cv-2079-JAH-AJB. Case assigned to Judge Consuelo B. Marshall; case referred to Magistrate Judge Arthur Nakazato, filed by petitioner Norman Anthony Brown.(gg) (Entered: 11/16/2007)

ED 407-1470 (BN (AN))

75-53
919

THE FRONT OF THE DOCUMENT HAS A MICRO-PRINT AMOUNT BOX AND THERMOCHRONIC ABSENCE OF THESE FEATURES WILL INDICATE A COPY.

MoneyGram
Money Orders

INTERNATIONAL MONEY ORDER

ACE CASH EXPRESS™

PAY TO THE ORDER OF: PAGA A LA ORDEN DE: **US District Court**

AMOUNT IN WORDS: **FIVE DOLLARS *** 00 CENTS *******

AMOUNT IN NUMBERS: **5718495030**

DATE: **11/28/07**

ISSUANCE NUMBER: **5718495030**

TO AUTHENTICATE RUB CIRQUE PARA AUTENTICAR RESTREGAR EL CIRCULO

955172425829881

1909500332109030

ISSUER/DRAWER: **MoneyGram Payment Systems, Inc.**

Payable Through: **WF National Bank**

South Central: **Fairbault, MN**

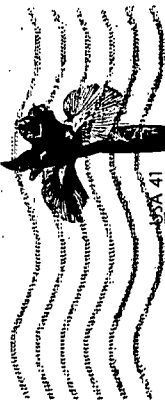
ADDRESS: **8548 Alexander Ct. Sacramento CA 95828**

DATE: **11/28/07**

TIME: **11:57**

AMOUNT: **5.00**

ISSUANCE NUMBER: **5718495030**



CAROLE BROWN
8548 ALEXANDER CT.
SACRAMENTO CA
95828

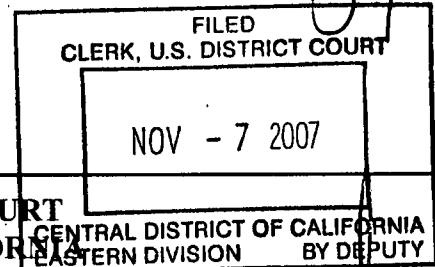
US Court House (Eastwood)
3470 12th St
Room 134
Riverside California
92501

RECEIVED

92501+3401

DOCKETED ON CM
DEC - 7 2007
BY [Signature]

Docket
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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NORMAN ANTHONY BROWN

CASE NUMBER

EDCV 07-01470 CBM (AN)

PETITIONER(S)

v.

L. E. SCRIBNER

**NOTICE OF REFERENCE TO A
UNITED STATES MAGISTRATE JUDGE
(Petition for Writ of Habeas Corpus)**

RESPONDENT(S).

Pursuant to General Order 07-02, the within action has been assigned to the calendar of the Honorable Consuelo B. Marshall, U.S. District Judge. Pursuant to General Order 05-07, the within action is referred to U. S. Magistrate Judge Arthur Nakazato, who is authorized to consider preliminary matters and conduct all further hearings as may be appropriate or necessary. Thereafter, unless the Magistrate Judge determines that an evidentiary hearing is required, the Magistrate Judge shall prepare a report and recommendation and file it with the Clerk of the Court which may include proposed findings of fact and conclusions of law where necessary or appropriate, and may include a proposed written order or judgment, which shall be mailed to the parties for objections.

Pleadings and all other matters to be called to the Magistrate Judge's attention shall be formally submitted through the Clerk of the Court.

The Court must be notified within fifteen (15) days of any address change. If mail directed by the clerk to your address of record is returned undelivered by the Post Office, and if the Court and opposing counsel are not notified in writing within fifteen (15) days thereafter of your current address, the Court may dismiss the petition with or without prejudice for want of prosecution.

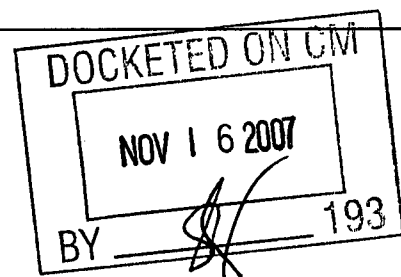
Clerk, U. S. District Court

11/07/07

Date

By L. Murray

Deputy Clerk



NORMAN BROWN
 NAME **C.52068**
 PRISON IDENTIFICATION/BOOKING NO. **C.S.P. CAL / B3.101**
 ADDRESS OR PLACE OF CONFINEMENT **P.O. BOX 5004 CALIPATRIA CA 92233**

Note: It is your responsibility to notify the Clerk of Court in writing of any change of address. If represented by an attorney, provide his name, address, telephone and facsimile numbers, and e-mail address.

FILED
OCT 24 2007
 CLERK, U.S. DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA
 DEPUTY

2254 ☒ **1983**
FILING FEE PAID
 Yes ☒ No ☐
BY MOTION FILED
 Yes ☒ No ☐
COPIES SENT TO
 Court ☒ Press ☐

**UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA**

ED CV 07 - 01470 CBM
076V 2079 JAH AJB
 CASE NUMBER: **076V 2079**
 CV **JAH AJB**

NORMAN ANTHONY BROWN
 FULL NAME (Include name under which you were convicted)
 Petitioner, **530**

L.E. Scribner
 NAME OF WARDEN, SUPERINTENDENT, JAILOR OR AUTHORIZED PERSON HAVING CUSTODY OF PETITIONER
 Respondent.

**PETITION FOR WRIT OF HABEAS CORPUS
 BY A PERSON IN STATE CUSTODY**
 28 U.S.C. § 2254
Riverside County
 PLACE/COUNTY OF CONVICTION
 PREVIOUSLY FILED, RELATED CASES IN THIS DISTRICT COURT
 (List by case number)
 CV **first challenge to calculation of Release Date**
 CV **Release Date**
 Hill v. Alaska (9th Cir 2002)

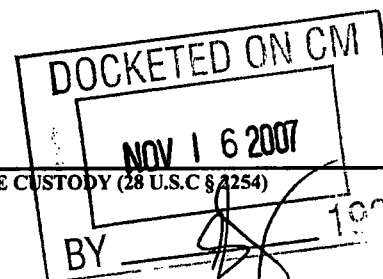
AMENDED

LOGGED
NOV - 7 PM 1:10
 U.S. DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA
 RIVERSIDE

INSTRUCTIONS - PLEASE READ CAREFULLY

1. To use this form, you must be a person who either is currently serving a sentence under a judgment against you in a California state court, or will be serving a sentence in the future under a judgment against you in a California state court. You are asking for relief from the conviction and/or the sentence. This form is your petition for relief.
2. In this petition, you may challenge the judgment entered by only one California state court. If you want to challenge the judgment entered by a different California state court, you must file a separate petition.
3. Make sure the form is typed or neatly handwritten. You must tell the truth and sign the form. If you make a false statement of a material fact, you may be prosecuted for perjury.
4. Answer all the questions. You do not need to cite case law, but you do need to state the federal legal theory and operative facts in support of each ground. You may submit additional pages if necessary. If you do not fill out the form properly, you will be asked to submit additional or correct information. If you want to submit a legal brief or arguments, you may attach a separate memorandum.
5. You must include in this petition all the grounds for relief from the conviction and/or sentence that you challenge. And you must state the facts that support each ground. If you fail to set forth all the grounds in this petition, you may be barred from presenting additional grounds at a later date.
5. You must pay a fee of \$5.00. If the fee is paid, your petition will be filed. If you cannot afford the fee, you may ask to proceed *in forma pauperis* (as a poor person). To do that, you must fill out and sign the declaration of the last two pages of the form. Also, you must have an authorized officer at the penal institution complete the certificate as to the amount of money and securities on deposit to your credit in any account at the institution. If your prison account exceeds \$25.00, you must pay the filing fee.
6. When you have completed the form, send the original and two copies to the following address:
 Clerk of the United States District Court for the Central District of California
 United States Courthouse
 ATTN: Intake/Docket Section
 312 North Spring Street
 Los Angeles, California 90012

PETITION FOR WRIT OF HABEAS CORPUS BY A PERSON IN STATE CUSTODY (28 U.S.C. § 2254)



PLEASE COMPLETE THE FOLLOWING: (Check appropriate number)

This petition concerns:

1. ☐ a conviction and/or sentence.
2. ☐ prison discipline.
3. ☐ a parole problem.
4. ☒ other.

Calculation of release date / First challenge / Hill v. Alaska 297 F3d 895 897 (9th Cir 2002)

PETITION

1. Venue

- a. Place of detention Calipatria State Prison
- b. Place of conviction and sentence Riverside County Superior Court

2. Conviction on which the petition is based (a separate petition must be filed for each conviction being attacked).

- a. Nature of offenses involved (include all counts): 207 288 211 261(2) 289
see Abstract Attached
- b. Penal or other code section or sections: _____
- c. Case number: CR-19235 Riverside County Superior Court
- d. Date of conviction: ~~7-7-82~~ 7-7-82
- e. Date of sentence: 8-10-1982
- f. Length of sentence on each count: 69 yrs total
- g. Plea (check one):
☒ Not guilty
☐ Guilty
☐ Nolo contendere
- h. Kind of trial (check one):
☒ Jury
☐ Judge only

3. Did you appeal to the California Court of Appeal from the judgment of conviction? ☒ Yes ☐ No

If so, give the following information for your appeal (and attach a copy of the Court of Appeal decision if available):

- a. Case number: Please refer to record on appeal due to age of case.
- b. Grounds raised (list each):
 (1) _____

- (2) _____
(3) _____
(4) _____
(5) _____
(6) _____

c. Date of decision: _____
d. Result _____

4. If you did appeal, did you also file a Petition for Review with the California Supreme Court of the Court of Appeal decision? ☐ Yes ☒ No

If so give the following information (and attach copies of the Petition for Review and the Supreme Court ruling if available):

- a. Case number: _____
b. Grounds raised (list each):
(1) _____
(2) _____
(3) _____
(4) _____
(5) _____
(6) _____
c. Date of decision: _____
d. Result _____

5. If you did not appeal:

a. State your reasons _____

- b. Did you seek permission to file a late appeal? ☐ Yes ☐ No

6. Have you previously filed any habeas petitions in any state court with respect to this judgment of conviction?

☒ Yes ☐ No

If so, give the following information for each such petition (use additional pages if necessary, and attach copies of the petitions and the rulings on the petitions if available):

- a. (1) Name of court: see record on Appen¹
- (2) Case number: _____
- (3) Date filed (or if mailed, the date the petition was turned over to the prison authorities for mailing): _____
- (4) Grounds raised (list each):
- (a) _____
- (b) _____
- (c) _____
- (d) _____
- (e) _____
- (f) _____
- (5) Date of decision: _____
- (6) Result _____
- (7) Was an evidentiary hearing held? ☐ Yes ☒ No

- b. (1) Name of court: _____
- (2) Case number: _____
- (3) Date filed (or if mailed, the date the petition was turned over to the prison authorities for mailing): _____
- (4) Grounds raised (list each):
- (a) _____
- (b) _____
- (c) NA
- (d) _____
- (e) _____
- (f) _____
- (5) Date of decision: _____
- (6) Result _____
- (7) Was an evidentiary hearing held? ☐ Yes ☐ No

- c. (1) Name of court: _____
- (2) Case number: _____
- (3) Date filed (or if mailed, the date the petition was turned over to the prison authorities for mailing): _____
- (4) Grounds raised (list each):
- (a) NA
- (b) _____

- (c) _____
 (d) _____
 (e) _____
 (f) _____

(5) Date of decision: _____

(6) Result _____

(7) Was an evidentiary hearing held? ☐ Yes ☐ No

7. For this petition, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than five grounds. Summarize briefly the facts supporting each ground. For example, if you are claiming ineffective assistance of counsel, you must state facts specifically setting forth what your attorney did or failed to do.

CAUTION: *Exhaustion Requirement:* In order to proceed in federal court, you must ordinarily first exhaust your state court remedies with respect to each ground on which you are requesting relief from the federal court. This means that, prior to seeking relief from the federal court, you first must present all of your grounds to the California Supreme Court.

- a. Ground one: WAS Petitioner's term and release date calculated off of a (valid "Filed" amended abstract) sent to the Dept of corrections records reflecting a modification of
Judgment.

(1) Supporting FACTS: A modification of judgment of petitioner's sentence
was sent to the Dept. plus a copy of its November 16 minutes of November 16 1982)
Its minutes sent 11 yrs later to join the Amended abstract dated November 16 1982
these documents reflect a modification hearing that never took place
now is it documented as an order of any court in this state. see exhibit 1 & 2

(2) Did you raise this claim on direct appeal to the California Court of Appeal? ☐ Yes ☐ No

(3) Did you raise this claim in a Petition for Review to the California Supreme Court? ☐ Yes ☐ No

(4) Did you raise this claim in a habeas petition to the California Supreme Court? ☐ Yes ☐ No

failure to consider will result in fundamental miscarriage of justice.

- b. Ground two: CAN the Dept of corrections validly detain petitioner with
commitment documents that have NO "Filed stamp" or enhancements to sentence?

(1) Supporting FACTS: upon reception of the amended abstract the Dept of corrections
proceeded to knowingly or unknowingly violate petitioner's rights by
calculating, placing and subjecting petitioner to the term even though
on the face of the document there is NO "Filed stamp" which makes it
an order of a court.

(2) Did you raise this claim on direct appeal to the California Court of Appeal? ☐ Yes ☐ No

(3) Did you raise this claim in a Petition for Review to the California Supreme Court? ☐ Yes ☐ No

(4) Did you raise this claim in a habeas petition to the California Supreme Court? ☐ Yes ☐ No

HAS AN AGENCY or AGENT committed an 8th amendment violation AND

c. Ground three: Is there a Nexus Between the "reception" of NON Filed Commitment Documents coming from AN entity and case records of Petitioner?

(1) Supporting FACTS: A Nexus has to be found - to discover who accepted these documents and (where they come from) and how they moved the original Abstract out of the file. That Policy has to be addressed as Petitioner's term has been altered by NON court ordered NON - Filed documents. Suspecting Petitioner to 8th Amendment violations

(2) Did you raise this claim on direct appeal to the California Court of Appeal? ☐ Yes ☐ No

(3) Did you raise this claim in a Petition for Review to the California Supreme Court? ☐ Yes ☐ No

(4) Did you raise this claim in a habeas petition to the California Supreme Court? ☐ Yes ☐ No

d. Ground four: Has Petitioner been illegally incarcerated once his term was altered and recalculated soon after reception of these documents?

(1) Supporting FACTS: The November 16 1982 Amended Abstract suggests full term consecutive terms to be served one after the next. (this was stamped (November 16, 1982) at the bottom of document) at the least petitioners rights were abridged from that date since there is no record of a hearing being held on that date.

(2) Did you raise this claim on direct appeal to the California Court of Appeal? ☐ Yes ☐ No

(3) Did you raise this claim in a Petition for Review to the California Supreme Court? ☐ Yes ☐ No

(4) Did you raise this claim in a habeas petition to the California Supreme Court? ☐ Yes ☐ No

e. Ground five: CAN A modification of Judgment hearing be held when Petitioner is without counsel?

(1) Supporting FACTS: (see exhibit 3) This November 16 1982 hearing is not documented, It clearly happened when petitioners transcripts were in possession of a court clerk. Petitioner's register of appeals intentionally blacked out by court clerks to disguise movements of Petitioner's transcripts.

(2) Did you raise this claim on direct appeal to the California Court of Appeal? ☐ Yes ☐ No

(3) Did you raise this claim in a Petition for Review to the California Supreme Court? ☐ Yes ☐ No

(4) Did you raise this claim in a habeas petition to the California Supreme Court? ☐ Yes ☐ No

8. If any of the grounds listed in paragraph 7 were not previously presented to the California Supreme Court, state briefly which grounds were not presented, and give your reasons: I have been Denied Access to courts, (see exhibit 7, 8, 9.) Petitioner is illegally confined in the Dept of corrections. federal constitution art 1 & 9 Calif Const. art III 10 art I & II

9. Have you previously filed any habeas petitions in any federal court with respect to this judgment of conviction?

☐ Yes ☒ No N/A This is a first challenge term issue.

If so, give the following information for each such petition (use additional pages if necessary, and attach copies of the petitions and the rulings on the petitions if available):

- a. (1) Name of court: _____
- (2) Case number: _____
- (3) Date filed (or if mailed, the date the petition was turned over to the prison authorities for mailing): _____
- (4) Grounds raised (list each):
- (a) _____
- (b) _____
- (c) _____
- (d) _____
- (e) _____
- (f) _____
- (5) Date of decision: _____
- (6) Result _____
- (7) Was an evidentiary hearing held? ☐ Yes ☒ No

- b. (1) Name of court: _____
- (2) Case number: _____
- (3) Date filed (or if mailed, the date the petition was turned over to the prison authorities for mailing): _____
- (4) Grounds raised (list each):
- (a) _____
- (b) _____
- (c) _____
- (d) _____
- (e) _____
- (f) _____
- (5) Date of decision: _____
- (6) Result _____

(7) Was an evidentiary hearing held? ☐ Yes ☐ No

10. Do you have any petitions now pending (i.e., filed but not yet decided) in any state or federal court with respect to this judgment of conviction? ☒ Yes ☐ No

If so, give the following information (and attach a copy of the petition if available):

- (1) Name of court: Riverside County Superior Court
 (2) Case number: 07FOS269 Dept 25 transferred from Sacramento
 (3) Date filed (or if mailed, the date the petition was turned over to the prison authorities for mailing): see exhibit
 (4) Grounds raised (list each): Received 7-13-07 they have not answered my numerous letters about it's filing?
 (a) _____
 (b) Riverside courts refuse to answer it. I'm currently
 (c) at 90 plus days waiting to see if it's been
 (d) filed. they refuse to write me back to acknowledge
 (e) it's reception even though they recieved it certified
 (f) mail. (see attached exhibit 7)

11. Are you presently represented by counsel? ☐ Yes ☒ No

If so, provide name, address and telephone number: _____

WHEREFORE, petitioner prays that the Court grant petitioner relief to which he may be entitled in this proceeding,

 Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct.

Executed on

October 18th 2007
 Date

[Signature]
 Signature of Petitioner

Prayer for Relief

After reviewing petitioners petition this honorable court should consider that petitioner only recently pieced together the artful deception used to attempt to make petitioner do "everyday of each consecutive sentence." Each day, without the benefit of any meaningful appeal ever. In addition, once the Department of corrections recieved the non stamped commitment document with petitioners name on it, with the unsanctioned full term order, Petitioner was "doomed" as there is, and still does not exist a gate keeping source in place to scrutinize such an act. The Department does not have the power or authority to change terms, Just add them up. In essence any act or ommission simulated or otherwise coming across the fine line that seperates state court / county custody (into) the Department of corrections / Detention is blurred and without

definition. Surely Petitioner's documents with no visual filed dated stamp should have been spotted. If it was there is no source in place for repairs. The injury-loss of liberty. Petitioner for 24 plus years has been illegally confined. Petitioner was sentenced a second time when that second abstract was drafted. Drafted at a time when Petitioner had no counsel. Petitioner can not be resentence, Petitioner can not be forced to continue a term not sanctioned or ordered by any court in the United States. Petitioner's liberty to be released should be granted immediately Frap 23 with no sanctions. The state court system is in grave debt to petitioner, as actors painted this scenario that your panel "in the interest of justice" was created for to render fair and equal justice under the U.S. constitution. Petitioner asks for a full investigation into his issues as he has been detained for 24 plus years without due process within the cells of the Department of Corrections. In addition all state judges in petitioner's

Jurisdiction of his appeals did not or could not
meaningfully give petitioner a fair adjudication of
his appeals as thru conflict of interest they were
"collatorally enstopped" as it is the state and state actors
under the color of law who have caused this entire
scenario. All the way up to a phony abstract drafted
and sent to the responsible Detainers of petitioner.
The Detainers of petitioner under no scrutiny continued
this process. Even though it is visually no Filed stamp
on the commitment document. Can this change? It must.
Question, How many other illegal detainees are in this
Department of corrections. Question, Nexus, How do
these Abstracts move out the old ones in central files of
Prisoners, Question, who moved petitioners old Abstract
or was there one in place at the time? complexity
Petitioner asks this magistrate for immediate Release and a
determination on record that petitioner has been illegally incarcerated
at least since November 16 1982.

Respectfully Submitted

NORMAN BROWN

Norman B

Date: October 18, 2007

11.

Exhibit 1

Abstract of Judgment Amended November 16 1982

"NO Filed Stamp" AS coming from
AN order of a court in this State.

NO ENHANCEMENT Boxes checked
yet full term consecutive term
indicated.

Petitioner's term has been calculated
OFF of AN UN-Filed illegal forged abstract
of Judgment. NO Record of November 16 1982
Hearing exists.

ABSTRACT OF JUDGMENT - COMMITMENT

FORM DSL 290

SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE

BRANCH _____

COUNT I.D.

33PEOPLE OF THE STATE OF CALIFORNIA
DEFENDANT: **NORMAN ANTHONY BROWN**

AKA:

VERSUS

☒ PRESENT☐ NOT PRESENT

CASE NUMBER(S)

CR-19235 - A

- B

- C

- D

- E

COMMITMENT TO STATE PRISON

ABSTRACT OF JUDGMENT

☒ AMENDED
ABSTRACTDATE OF HEARING
(MO) (DAY) (YR.)08 10 82

DEPT. NO.

14

JUDGE

JOHN H. BARNARD

CLERK

A. MILLER

REPORTER

K. SMITH

COUNSEL FOR PEOPLE

P. MAGERS

COUNSEL FOR DEFENDANT

Wm. BARNETT

PROBATION NO. OR PROBATION OFFICER

D. MOORE, JR.

1. DEFENDANT WAS CONVICTED OF THE COMMISSION OF THE FOLLOWING FELONIES:

A. ☒ ADDITIONAL COUNTS ARE LISTED ON
ATTACHMENT

COUNT	CODE	SECTION NUMBER	CRIME	YEAR CRIME COMMITTED	DATE OF CONVICTION			CONVICTION BY			TERM (L.M.U.)	CONCURRENT	CONSECUTIVE 1/2 VIOLENT	CONSECUTIVE 1/2 NON-VIOLENT	CONSECUTIVE FULL TERM	INCOMPLETE SENTENCE	60 DAY STAY	PRINCIPAL OR CONSECUTIVE TIME IMPOSED	
					MO	DAY	YEAR	JURY TRIAL	COURT TRIAL	PLEA								YEARS	MONTHS
1	PC	207	KIDNAPPING	81	07	07	82	X			M							0	0
2	PC	211	ROBBERY	81	07	07	82	X			M							(3)	0
3	PC	288a(d)	ORAL COP (CONC)	81	07	07	82	X			M							7	0
4	PC	261(2)	FORC. RAPE (CONC)	81	07	07	82	X			M			X				7	0
5	PC	288a(d)	ORAL COP (CONC)	81	07	07	82	X			M			X				7	0
2. ENHANCEMENTS (CHARGED AND FOUND STRONGER)																		7	0

2. ENHANCEMENTS (CHARGED AND FOUND, STRICKEN, TIME IMPOSED):

COUNT	12022(a)			12022(b)			12022.3(a)			12022.3(b)			12022.5			12022.6(a)			12022.6(b)			12022.7			12022.8		
	C/F	S	I	C/F	S	I	C/F	S	I	C/F	S	I	C/F	S	I	C/F	S	I	C/F	S	I	C/F	S	I	C/F	S	I

3. INCOMPLETED SENTENCE(S) CONSECUTIVE:

COUNTY	CASE NUMBER	CREDIT FOR TIME SERVED

4. A. NUMBER OF PRIOR PRISON TERMS:

S	C/F	S	I
667.5(a)			
667.5(b)			
667.5(b)			

B. NUMBER OF PRIOR FELONY CONVICTIONS:

S	C/F	S	I
667.6(a)			

4. OTHER ORDERS: Stay to become permanent upon completion of other counts.

6. TOTAL TIME IMPOSED ON ALL ATTACHMENT PAGES (FORM DSL 290-A):

7. TIME STAYED § 1170.1(a) [3-YEAR LIMIT] AND/OR § 1170.1(f) [DOUBLE BASE LIMIT]:

48 0

8. TOTAL TERM IMPOSED:

69 0

9. EXECUTION OF SENTENCE IMPOSED:

☒ AT INITIAL SENTENCING HEARING
☐ AT RESENTENCING PURSUANT TO DECISION ON APPEAL
☐ AFTER REVOCATION OF PROBATION
☐ AT RESENTENCING PURSUANT TO RECALL OF COMMITMENT (PC§1170(d))
DATE SENTENCE PRONOUNCED:
MO DAY YEAR08 10 82

CREDIT FOR TIME SPENT IN CUSTODY:

391

TOTAL DAYS INCLUDING:

261

LOCAL CONDUCT CREDITS

130

STATE INSTITUTIONS

☐ DMH☐ CDC

1. DEFENDANT IS REMANDED TO THE CUSTODY OF THE SHERIFF, TO BE DELIVERED:

☒ FORTHWITH
☐ AFTER 48 HOURS, EXCLUDING SATURDAYS, SUNDAYS AND HOLIDAYS

INTO THE CUSTODY OF THE DIRECTOR OF CORRECTIONS AT THE RECEPTION-GUIDANCE CENTER LOCATED AT:

☐ CALIF. INSTITUTION FOR WOMEN - PRONTERA
☐ OTHER (SPECIFY):

☐ CALIF. MEDICAL FACILITY - VACAVILLE

☐ CALIF. INSTITUTION FOR MEN - CHINO

CLERK OF SUPERIOR COURT

I hereby certify the foregoing to be a correct abstract of the judgment made in this action.

CLERK'S SIGNATURE

E. Jones

DATE

NOV 16 1982

Form is prescribed pursuant to Penal Code § 1213.5 to satisfy the requirements of Penal Code § 1213 (Abstract of Judgment and Commitment) for determinate sentences under Penal Code § 1170. A copy of probation report shall accompany the Department of Corrections' copy of this form pursuant to Penal Code § 1203c. 01. Attachments may be used but must be incorporated by reference.

 Adopted by the
 Council of California
 July 1, 1981

ABSTRACT OF JUDGMENT - COMMITMENT

FORM DSL 290

15

Pen.C. 1213.5.

TION

PINK COPY - COURT FILE.

YELLOW COPY - DEPARTMENT OF CORRECTIONS.

WHITE COPY - ADMINISTRATIVE OFFICE OF THE COURTS.

YELLOW COPY - DELETED

Exhibit 2.The Minutes to Exhibit 1Specifically statesModification
of
Judgement

The Actual copy in

Petitioner's Prison Central file:

November
16
1982

(two sided copy.)

Now Filed: and certified as

true 11 yrs later on the back"No Record of this hearing ever taking place"

(Two sided copy)

Exhibit 3
Petitioners Register of Appeal Minutes

NONE OF THIS ACTIVITY
IS DOCUMENTED IN PETITIONERS
RECORD OF APPEAL.

(A CRUCIAL SENTENCING ISSUES HEARING)
MODIFICATION OF JUDGEMENT

NOVEMBER 16 1982 : Modification of Judgement
Hearing not stamped in

NOVEMBER 9th : Petitioners transcripts ON appeal
were in clerks possession.

PETITIONER WAS WITHOUT COUNSEL.

Substitution of attorney complete 12-2-82.

19. Initialed and filed

RIVERSIDE

County HON. JOHN H. BARNARD

Judge

DIVISION TWO
Superior Court No. CR-19235 Notice of Appeal Filed: J-10-7-82

PEOPLE OF THE STATE OF CALIFORNIA

Plaintiff and Respondent

ATTORNEY GENERAL

110 W. "A" St., Ste. 600
San Diego, Ca. 92101

VS

NORMAN ANTHONY BROWN

Defendant and Appellant

(In pro per) Riverside County Jail,
11th and Orange, Riverside 92501
Edison P. McDaniels, 1566 N. "D" St
San Bernardino, Ca. 92405

Subst.

Atty.

12-2-82

OCT 20 1982 REC'D COPY NOTICE OF APPEAL SENT REQUEST FOR COUNSEL FORM

OCT 28 1982 Rec'd copy of County Clerk's Amended Notice to Prepare
Transcript on Appeal (to delete co-defendant), dated
10-26-82.

NOV 9 1982 FILED EXT OF TIME TO 1-10-83 (Reporter Katherine G. Smith)

DEC 2 1982 Filed subst. of attys.

FEB 3 1983 FILED RECORD ON APPEAL C -1- R -5-

MAR 10 1983 FILED COPY OF NOTICE RULE 17(a)

MAR 18 1983 FILED EXT OF TIME TO 4-17-83 AOB

APR 29 1983 FILED APPELLANTS OPENING BRIEF

JUN 8 1983 FILED EXT OF TIME TO 7-2-83 RB

JUN 20 1983 FILED RESPONDENTS BRIEF

JUL 27 1983 ORDER OF SUBMISSION

JUL 27 1983 BY THE COURT:
Judgment affirmed (non-pub.) Rickles, J.,
We concur: Morris, P.J., McDaniel, J.

SEP 30 1983 REMITTITUR TO COUNTY CLERK

JUN 27 1986 ORIGINAL RECORD SHIPPED TO
RECORD CENTER -

LIST NO. 30

BOX NO. 107

SRC NO. 531214

STATE RECORDS CENTER

1501 CHERMAN STREET

WEST SACRAMENTO, CA 95691

(26)

Register of Appeals
Abstract Amended
Not Listed

Exhibit 3(A)

Letter to Petitioners
Mother Dated: Oct 4, 1983

This reviewing appellate court
waived petitioners Direct appeal rights
to Review to the California state
Supreme court) by Not Notifying Counsel
and Never Notifying petitioner of Affirmance
of Appeal. see Exhibit 3 Register of appeal
Petitioner's Remittitur was sent back to the
county clerk before petitioners attorney even knew
of the Affirmance, Supreme court review waived.

* In addition, Petitioners term sheet, A.O.J
in the hands of the Dept of Corrections, the November
16, 1982 Authored version, never made it to this
Register of appeal list or to the decision making forum
of July 27 1983. Petitioner is confined illegally.

Edison P. McDaniels

ATTORNEY AND COUNSELLOR AT LAW
1566 NORTH "O" STREET
SAN BERNARDINO, CALIFORNIA 92405

(714) 885-3477

October 4, 1983

Mrs. Carol Brown
3248 Joel Drive
Riverside, California 92509

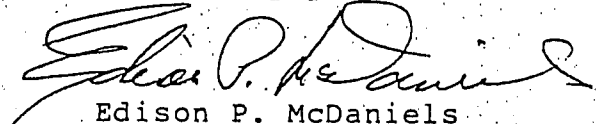
In re: PEOPLE vs. BROWN
Case No. 4 Crim 14717

Dear Mrs. Brown:

Enclosed is a copy of the decision in the above matter from the Fourth District Court of Appeals.

Please note that despite the date on this decision, we only found out about it today, at which time I went down to the Court personally and picked it up.

Very truly yours,



Edison P. McDaniels
Attorney at Law

EPM:jm
Encl.

cc: Mr. Norman Brown
Post Office Box C-52068
Riverside, California 94974

Exhibit 4

Petitioner won his 602

Administrative Appeal (October 10, 2007)

C.D.C. SAYS they can't do anything
the courts have to. I told them I have
"After recalculation" (NO TIME)

At Review hearing I (Petitioner)

showed case records manager V. Myers
California state prison) A copy of my

Original August 12 1982 Abstract, she took
a copy, but said I still had to wait for
Riverside to send a copy. I still wait.

I still hold my copy. Dated Aug 12 1982.

The one in my file is a forged document
dated NOV 16 82 at bottom of document.

see Exhibit 1

Exhibit - 4(a) cont...

For C.D.C. (This prison)
to tell me to wait for requested
certified copies of Petitioner's A.O.J
and its minutes plainly proves prejudice
Especially so since they have already
used the Existing Documents against
Petitioner at each prison that he has
been at. To request concedes
PRIMA FACIE of discrepancy and error
in existing documents.
(The Error) "NO Filed stamp" as
coming from an order of a court
Exhibit 1

RECEIVED CAL APPEALS JUL 24 2007

INMATE/PAROLEE
APPEAL FORM

CDC 602 (12/87)

Location: Institution/Parole Region

Log No.

Category

6

RECEIVED CAL APPEALS AUG 30 2007

1. CAL

B 07 01 3 9 3

2.

2.

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
NORMAN BROWN	C-52068	computer tech	B3 1014 ✓

A. Describe Problem:

I HAVE DISCOVERED forged documents describing an illegal consecutive term which has been used to illegally confine me in the Department of Corrections since 1982.

My Abstract of Judgement located in my central file since 1982 "Does Not" have a "Filed Stamp" or date from an order from a court. see exhibit attached.) The accompanying minutes from this modification of judgement hearing also does not have a "Filed" stamp, see petitioners central file. These documents were fraudulently submitted in violation of petitioners Civil Rights

If you need more space, attach one additional sheet.

B. Action Requested:

For this warden at California State Prison to contact Riverside Superior Court. Petitioner does have a Filed stamp of (July 10 2007 case # 07-05269 Dept 25) this Petition transferred from Sacramento Superior Ct. (Habeas corpus) (Petitioner is not legally committed in the Dept.) His Petition is in Riverside waiting for adjudication (CCR 3273)

Inmate/Parolee Signature:

Norman Brown

Date Submitted:

July 22, 2007

C. INFORMAL LEVEL (Date Received: _____).

Staff Response:

Petitioner asks to be taken out of the state and the Attorney General notified of this system.

Staff Signature: _____

Date Returned to Inmate: _____

D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

Signature: _____

Date Submitted: _____

Note: Property/Funds appeals must be accompanied by a completed Board of Control form BC-1E, Inmate Claim

CDC Appeal Number:

SCREENED OUT

AUG 24 2007

CAL

B 07 01 3 9 3

25

First Level

☐ Granted☐ P. Granted☐ Denied☒ OtherE. REVIEWER'S ACTION (Complete within 15 working days): Date assigned: JUL 25 2007Due Date: 9/5/07

Interviewed by: _____

Staff Signature: _____

Division Head Approved: _____

Signature: _____

Title: _____

Date Completed: _____

Returned _____

Date to Inmate: _____

F. If dissatisfied, explain reasons for requesting a Second-Level Review, and submit to Institution or Parole Region Appeals Coordinator within 15 days of receipt of response.

Haygood v. Younger 769 Fed 1350 (1985) I am being denied liberty and due process without a hearing. Even though I've submitted an order of a superior court judge that I have made a showing that my abstract of judgement is invalid. I submitted the exhibit to the A/W 15 days prior to being denied a hearing. *see attached pages*

Signature: Norm B Date Submitted: 8/28/07

Second Level

☒ Granted☐ P. Granted☐ Denied☐ OtherG. REVIEWER'S ACTION (Complete within 10 working days): Date assigned: SEP 28 2007Due Date: 10/29/07☐ See Attached Letter

Signature: _____

G. J. JANDA, AW-A/B

T. OCHOA, CD

Date Completed: OCT 10 2007

Warden/Superintendent Signature: _____

Date Returned to Inmate: OCT 10 2007

H. If dissatisfied, add data or reasons for requesting a Director's Level Review, and submit by mail to the third level within 15 days of receipt of response.

Signature: _____

Date Submitted: _____

For the Director's Review, submit all documents to: Director of Corrections
P.O. Box 942883
Sacramento, CA 94283-0001
Attn: Chief, Inmate Appeals

DIRECTOR'S ACTION: ☐ Granted☐ P. Granted☐ Denied☐ Other _____☐ See Attached Letter

Date: _____

RECEIVED CAL APPEALS AUG 30 2007

CSP-CAL BYPASS

STATE OF CALIFORNIA
CDC 1033 (8/88)

DEPARTMENT OF CORRECTIONS

COMPUTATION REVIEW HEARING DECISION

DOCUMENTS REVIEWED

- ☐ Sentencing Transcript
- ☒ Abstracts of Judgment/Minute Orders
- ☐ POR
- ☐ Time Cards/Classification Chronos
- ☒ OBIS Printout
- ☒ Central File
- ☐ Other _____

REASONS/COMMENTS

9/27/2007

I received a Haygood Hearing my time was recalculated off of invalid non filed documents. Case Records staff member MS Myers refused to recalculate my time even though I have NON FILED NON ordered court documents in my commitment package. I vehemently denied this non-activity on my behalf.

A violation of Title 15, 20931.

DECISION

- ☒ Appeal Granted
- ☐ Appeal Denied

If you are dissatisfied with your Computation Review Hearing Decision you may request a Third-Level Review.

PANEL HEARING CASE

HEARING PERSON <i>D. Winger</i>		TITLE <i>CRKAL</i>	
INMATE/PAROLEE <i>Van B.</i>	CDC NUMBER <i>C-52068</i>	INST/REGION <i>CAL</i>	HEARING DATE <i>9/27/2007</i>

DISTRIBUTION: ORIGINAL — CENTRAL FILE
COPY — INMATE/PAROLEE

26

Exhibit 5

Several Days After my Hearing
they) C.D.C., still tells me "to wait"
for Riversides copy. I still wait.
I Am illegally confined.

To ask for another copy concedes
the 1st are in Error, therefore
C.D.C. CAN NOT calculate my term
as they have been for 24 yrs in Error

I have NO Time) "documents Exhibit
One" HAS NO Filed stamp it's forged. The
Names don't match Exhibit 2: No record
of November 16 1982 in any ledger or docket.
CAN or will ever be found. It didn't happen.

State of California

Department of Corrections and Rehabilitation

Memorandum

Date : OCT 10 2007

To : Inmate BROWN
CDCR #C52068
Calipatria State Prison

Subject: **SECOND LEVEL APPEAL RESPONSE**
LOG NO: CAL-B-07-01393

ISSUE: It is the appellant's position that the California Department of Corrections and Rehabilitation (CDCR) has illegally confined him since 1982. In addition, appellant is requesting a Computation Review Hearing be conducted.

The appellant requests on appeal that Riverside County Superior Court be contacted regarding case #CR19235 and a legal/certified stamped "Filed" Abstract of Judgment (AOJ) and Minute Order be requested.

INTERVIEWED BY: V. Myers, Correctional Case Records Manager, on September 27, 2007.

REGULATIONS: The rules governing this issue are: Department Operations Manual Section 4100.30.1 and California Code of Regulations, Title 15, Section 3084.7(h).

DISCUSSION: A review of the appellant's Central File (C-File) was conducted and the following is noted: The amended AOJ located in your C-File on Case #CR19235 has the original signature and court seal. Your sentencing documents will remain as is unless the court advises CDCR of any changes. Calipatria State Prison Records Department has requested a certified copy of Riverside County Case #CR19235 AOJ and Minute Order.

Per AOJ and Minute Order from Riverside County Case #CR19235, sentencing documents have been calculated per Calculation Worksheet for PC Section 2933/2933.3 (Work Incentive) (CDC 1897D). A Computation Review Hearing was conducted and inmate was provided with a copy of the Computation Review Hearing Decision (CDC 1033).

DECISION: The appeal is Granted at the Second Level.

The appellant is advised that this issue may be submitted for a Director's Level of Review if desired.


T. OCHOA
Chief Deputy Warden
Calipatria State Prison

Attachment(s)

Exhibit 6

Term calculations

Discrepant

NO ENHANCEMENTS

Simply put, Petitioner's term has been calculated off of invalid commitment documents.

see Exhibit 5

see Exhibit 1

see Exhibit 4

see Exhibit 2 and 7

This Department is collaterally Enstopped from fixing a term on Petitioner. Petitioner has "NO time"

Petitioner has been eligible for release since November 16 1992
The date his term was tampered with...

To: Norman Anthony Brown CDC# C-52066

From: C. Dahms/CCRS

RE: Continuation of response to level 1 of inmate Appeal, CTF-N-06-01298, dated May 2, 2006. The Action you requested, signed and dated by you April 19, 2006 has a written response dated 06/06/06.

Regarding your Exhibit, page 6, describes a discrepant enhancement of 62 years on the Legal Status Summary and you have noted that the Amended Abstract of Judgment does not reflect enhancement boxes being marked and therefore there should be no enhancements imposed.

The court did not impose enhancements however the court did impose consecutive terms. The offender based information system (O.B.I.S.) is programmed to accept one principal count as the base term. In your case, count 3 is the base term of 7 years. All of the other consecutive counts must be placed into the enhancement field in O.B.I.S. in order for the total term to be entered into the system. That is why you see 62 years in that space on the Legal Status Summary. There are no enhancements.

INMATE COPY

LEGAL STATUS SUMMARY TYPE D

LAC

** DISCREPANT

04/28/98 20:32

CDC NUMBER | NAME
C52068 | BROWN, NORMAN, ANTHONYBIRTHDATE
04/16/1963TERM STARTS | MAX REL DATE
08/19/1982 | 05/06/2050MAX ADJ REL DT | CURRENT REL DT
05/06/2050 | 10/12/2040

BASE TERM 7/00 + ENHCMNTS 62/00 = TOT TERM 69/00 | PAROLE PERIOD 3 YRS

PRE-PRISON + POST SENTENCE CREDITS

C19235 P2800-5 P1203-3 P2900-1 CRC-CRED MH-CRED P4019 P2931 POST-SENT TOT

C19235 261 130 8 389

REGISTRATION REQUIRED PER P290
NOTIFICATION REQUIRED PER PC290.2
NOTIFICATION REQUIRED PER PC3058.6RECV DT/ COUNTY/ CASE SENTENCE DATE
CNT OFF-CODE DESCRIPTIONCREDIT OFFENSE
CODE DATE

CONTROLLING PRINCIPAL & CONSECUTIVE (INCLUDES ENHANCEMENTS/OFFENSES):

-- CONTROLLING CASE --

8/19/1982 RIV C19235 8/10/1982

CD	DESCRIPTION	CREDIT	DATE
03	F285A(D) ORAL COP/CONCERT	1	10/13/1981
04	P261(2) RAPE/RESIST F/V	2	10/13/1981
05	F285A(D) ORAL COP/CONCERT	1	10/13/1981
06	P261(2) RAPE/RESIST F/V	1	10/13/1981
07	P261(2) RAPE/RESIST F/V	1	10/13/1981
08	P288A(D) ORAL COP/CONCERT	1	10/13/1981
09	P285A(D) ORAL COP/CONCERT	1	10/13/1981
10	P288A(D) ORAL COP/CONCERT	1	10/13/1981
11	P288A(D) ORAL COP/CONCERT	1	10/13/1981
12	P289 RAPE FOREIGN OBJ	1	10/13/1981

WTPP WAIVER

BEGINNING

CREDIT

TOTAL

TOTAL

NET

DATE

BALANCE

APPLIED

LOST

RESTORED

TOTAL

01/01/1983

3420

3973

601

121

3493

CREDITS AUTO VESTED PER PC-2934 : 71

TRAN	DATE	END DATE	LOG NUMBER	RULE	VIOL	CAT	DAYS
------	------	----------	------------	------	------	-----	------

JCE 02/01/1998 04/14/1996

73

***** CONTINUED *****

31

LEGAL STATUS SUMMARY -- CONTINUATION -- PAGE 2

CDC NUMBER	NAME
032068	BROWN, NORMAN, ANTHONY

TRAN TYPE	DATE	END DATE	LOC NUMBER	RULE NUMBER	D A Y S	ASSESS	LOST	REST	DEAD
--------------	------	----------	------------	----------------	---------	--------	------	------	------

CON	12/20/1982			*****BEG BAL*****					
ADD	08/19/1982			CR19235					
ADD	08/19/1982			CR19235					
ADD	08/19/1982			CR19235					
ADD	08/19/1982			CR19235					

CURRENT FC BALANCE:

0

CURRENT EC BALANCE:

0

STD BALANCE = 152 AS OF 04/14/1998

PRPD/MEPD IS 07/14/2019 BASED ON CREDIT APPLIED THRU 04/14/1998 AND WORK GROUP A1

*Intake
Audit*

STATE OF CALIFORNIA
CALCULATION WORKSHEET
OBIS CREDIT CODE 1
CDC 1897D (Rev. 11/02)

DEPARTMENT OF CORRECTIONS

CALCULATION WORKSHEET FOR PC SECTION 2933/2933.3 (WORK INCENTIVE)

This form is used to calculate the Earliest Possible Release Date (ERPD) for inmates with: a) nonviolent offenses occurring on or after January 1, 1983; b) violent offenses occurring between January 1, 1983, and September 21, 1994; c) for inmates whose offense(s) occurred prior to January 1, 1983, and have signed a Penal Code (PC) Section 2934 waiver; and d) camp inmates who are eligible for two for one credit per PC Section 2933.3 effective January 2, 2003. PC Section 2933/2933.3 terms are entered into the Offender Based Information Systems (OBIS) as a Credit Code 1.

1. Start Date

2. Plus (+) Time Imposed

3. Minus (-) Preprison Credit (presentence, postsentence, and vested credit)

4. Plus (+) Dead Time/Minus (-) Meritorious Credit

5. Equals Maximum Date

6. Minus (-) Work Credit Earned

7. Plus (+) Net Credit Lost (credit lost minus credit restored)

8. Equals Current Release Date (if current work group "C", calculation ends here, carry date forward to Line 14)

9. Minus (-) Date Credit Applied Through (or last date of D2 if serving SHU term, or Start Date [Line 1] if Line 1 is a future date)

10. Equals Days Remaining to Serve

11. Equals Projected Credit (divide Line 10 based upon work group, round down)

[A1 divide by 2] [A2, B, D1 divide by 3]

[F divide by 3 (do not round down), then multiply by 2 (round down)]

12. Current Release Date (Line 8)

13. Minus (-) Projected Credit (Line 11)

14. Equals ERPD - Cannot Exceed Maximum Date (Line 5)

15. Minus (-) Maximum Date (Line 5)

16. Equals Excess Credit Loss to Apply to Next Period Being Calculated*

*Mixed Credit Codes: when credit lost exceeds credit applied (ERPD is later than Maximum Date), subtract the Maximum Date from the ERPD which equals the days lost to apply to the next period being calculated.

CALCULATED BY (Name and Title) <u>ANANDA CORA</u>		DATE <u>2.14.07</u>
INMATE'S NAME <u>Brown</u>	CDC NUMBER <u>02002</u>	LOCATION <u>CAL</u>

Exhibit 7

I am being Denied

Access to Courts

my sentencing court Refuses to
file OR answer letters as to
what happened to my habeus corpus
transferred certified mail. from Sacramento

July 13 2007

they signed
for it. ~

Riverside

90 plus DAYS Ago. A default
commission. They Refuse to Act.

ENDORSED

JUL 10 2007

By B. Beddow, Deputy

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SACRAMENTO

In re

Norman Brown,

No. 07F05269 Dept. 25

ORDER TRANSFERRING

On Habeas Corpus.

PETITION


The petition of Norman Brown was construed as a petition for a writ of habeas corpus and was filed as habeas in this court on May 17, 2007. It alleges that petitioner is being held under an invalid abstract of judgment. Good cause appearing,

IT IS HEREBY ORDERED that the petition is transferred to the court of the county where petitioner was sentenced, the Superior Court in and for the County of Riverside, pursuant to Rule 4.552(b) of the California Rules of Court and *Griggs v. Superior Court* (1976) 16 Cal.3d 341.

DATED: July 10, 2007

RONALD W. TOCHTERMAN

RONALD W. TOCHTERMAN
JUDGE OF THE SUPERIOR COURT

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		A. Signature  <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to: SUPERIOR COURT OF CA. COUNTY OF RIVERSIDE 4100 MAIN ST CRIM DIVISION RIVERSIDE, CA 92501 07F05269		B. Received by (Printed Name) <u>Samano</u> C. Date of Delivery <u>7-13-07</u> D. Is delivery address different from Item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
2. Article Number (Transfer from service label)		3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D. 4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
PS Form 3811, February 2004		Domestic Return Receipt 102595-02-M-1540	

U.S. Postal Service TM	
CERTIFIED MAILTM RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage \$	Postmark Here 07F05269
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees \$	
Sent To SUPERIOR COURT of CA. RIVERSIDE Street, Apt. No. or PO Box No. 4100 MAIN ST CRIM DIVISION City, State, ZIP+4 RIVERSIDE, CA 92501	
PS Form 3800, June 2002. See Reverse for Instructions.	

EXIST 8

" THE UNSEEN HAND

State Court and my issues

Do not stand in their forum

Petitioner seeks Federal Relief

Hill v. Alaska 297 F3d 875 897

9th Cir 2002

California Constitution Art VI, 10, I, 11

U.S. Constitution 6, 8, 14th (Amend) Coleman v. Thompson (1991) 501 U.S. 722, 115 L Ed 2d 640 111 S Ct 2546

Art I & 9

Petitioner Asks for Immediate Release from custody
Any and All Relief seen fit.

Bill of Rights

I am illegally confined in the
Department of corrections.

Respectfully
submitted.

37. Norman Brown

MARY JAMESON
AUTOMATIC APPEALS SUPERVISOR

JORGE NAVARRETE
SUPERVISING DEPUTY CLERK

SAN FRANCISCO

NATALIE ROBINSON
SUPERVISING DEPUTY CLERK

LOS ANGELES



☐ SAN FRANCISCO 94102
EARL WARREN BUILDING
350 McALLISTER STREET
(415) 865-7000

☐ LOS ANGELES 90013
RONALD REAGAN BUILDING
300 SOUTH SPRING STREET
(213) 830-7570

Supreme Court of California

FREDERICK K. OHLRICH
COURT ADMINISTRATOR AND
CLERK OF THE SUPREME COURT

May 2, 2006

Mr. Norman Brown, C-52068
SB 239L CTS-North
P.O. Box 705
Soledad, CA 93960

Re: S142045 – In re Noman A. Brown on Habeas Corpus


Dear Mr. Brown:

This letter serves as confirmation that your petition for review, received on March 20, 2006, has been filed. I regret to inform you that we have received confirmation from United Parcel Services that one of our boxes shipped from our office in Los Angeles to San Francisco has been lost. After the court received notification of the loss, we checked our records of all the petitions for review filed between March 20, 2006, and the date of shipment and, it has been determined that your petition for review was inside the box that was lost. The Court of Appeal record has been shipped to this office and the court has had the opportunity to review it; however, the court has directed me to request a copy of your petition for review.

We ask you to please send us your copy of the petition for review directly to our San Francisco office. We apologize for any inconvenience.

Very truly yours,

FREDERICK K. OHLRICH
Court Administrator and
Clerk of the Supreme Court


By: Jorge E. Navarrete, Supervising Deputy Clerk

" Exhibit 9 "

The UNSEEN HAND

How CAN this court

PASS upon Petitioner with

Two Abstracts of Judgements

(94 days apart) one filed and
one not filed?

How CAN this court PASS upon
an Abstract that was Authored on
thier watch?

see

Exhibit 3

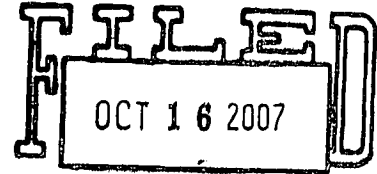
Bottom blacked
out

and

3(A) this court waived
Petitioners petition for Review rights
on Direct Appeal.

COURT OF APPEAL -- STATE OF CALIFORNIA
FOURTH DISTRICT
DIVISION TWO

ORDER



In re NORMAN ANTHONY BROWN

E044239 COURT OF APPEAL FOURTH DISTRICT

on Habeas Corpus.

(Super.Ct.No. CR19235)

The County of Riverside

THE COURT

The petition for writ of habeas corpus is DENIED.

GAUT

Acting P.J.

cc: See attached list

VERIFICATIONSTATE OF CALIFORNIA
COUNTY OF IMPERIAL

(C.C.P. SEC.446 & 201.5; 28 U.S.C. SEC. 1746)

I, Norman Brown Prisoner DECLARE UNDER PENALTY OF PERJURY THAT: I AM THE Prisoner IN THE ABOVE ENTITLED ACTION; I HAVE READ THE FOREGOING DOCUMENTS AND KNOW THE CONTENTS THEREOF AND THE SAME IS TRUE OF MY OWN KNOWLEDGE, EXCEPT AS TO MATTERS STATED THEREIN UPON INFORMATION, AND BELIEF, AND AS TO THOSE MATTERS, I BELIEVE THEM TO BE TRUE.

EXECUTED THIS October 18th DAY OF: October 20 07 AT CALIPATRIA STATE PRISON, CALIPATRIA, CALIFORNIA #92233-5002

(SIGNATURE)

Norm B

(DECLARANT PRISONER)

PROOF OF SERVICE BY MAIL

(C.C.P. SEC.1013 (a) & 2015.5; 28 U.S.C. SEC.1746)

I, Norman Brown AM A RESIDENT OF CALIPATRIA STATE PRISON, IN THE COUNTY OF IMPERIAL, STATE OF CALIFORNIA. I AM OVER THE AGE OF EIGHTEEN (18) YEARS OF AGE AND AM / NOT A PARTY OF THE ABOVE-ENTITLED ACTION. MY STATE PRISON ADDRESS IS: P.O. BOX 5002. CALIPATRIA, CALIFORNIA #92233-5002.

ON October 18th 20 07 I SERVED THE FOREGOING: Hobens Corpus

(SET FORTH EXACT TITLE OF DOCUMENTS SERVED)

ON THE PARTY (S) HEREIN BY PLACING A TRUE COPY (S) THEREOF, ENCLOSED IN A SEALED ENVELOPE (S), WITH POSTAGE THEREON FULLY PAID, IN THE UNITED STATES MAIL, IN A DEPOSIT BOX SO PROVIDED AT CALIPATRIA STATE PRISON, CALIPATRIA, CALIFORNIA #92233-5002.

Southern ~~United~~ District
Federal Office Building
880 Front street suite 4290
San Diego, CA. 92101-8100

Office of the Attorney General
110 "W" "A" st. suite 1100
P.O. Box 85266

* San Diego CA 92186-5266
(sent by court clerk) (copy)

THERE IS DELIVERY SERVICE BY UNITED STATES MAIL AT THE PLACE SO ADDRESSED, AND THERE IS REGULAR COMMUNICATION BY MAIL BETWEEN THE PLACE OF MAILING AND THE PLACE SO ADDRESSED. I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

DATE: October 18th 2007

Norm B

(DECLARANT PRISONER)

JS44

(Rev. 07/89)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM.)

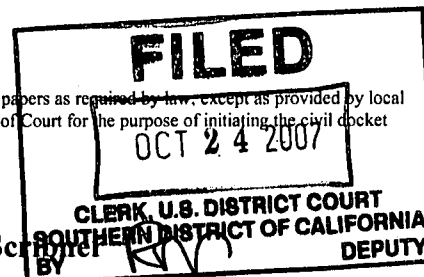
I (a) PLAINTIFFS

Norman Brown

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Imperial
(EXCEPT IN U.S. PLAINTIFF CASES)

2254	1983
FILED	FILED
Yes	No
HTP	MOTION FILED
Yes	No
COPIES SENT TO	
County	

LE Schriber



(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Norman Brown
PO Box 5004
Calipatria, CA 92233
C-52068

ATTORNEYS (IF KNOWN)

'07CV 2079 JAH AJB

II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | | | |
|---|---|---|---|
| PT | DEF | PT | DEF |
| Citizen of This State | <input type="checkbox"/> 1 <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 <input type="checkbox"/> 6 |

IV. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY).

28 U.S.C. 2254

V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> Marine <input type="checkbox"/> Miller Act <input type="checkbox"/> Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veterans Benefits <input type="checkbox"/> 160 Stockholders Suits <input type="checkbox"/> Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury-Medical Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 RR & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. <input type="checkbox"/> Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (13958) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reappointment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Tort to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input checked="" type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights			

VI. ORIGIN (PLACE AN X IN ONE BOX ONLY)

- ☒ 1 Original Proceeding ☐ 2 Removal from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER f.r.c.p. 23

DEMAND \$

Check YES only if demanded in complaint:

JURY DEMAND: ☐ YES ☐ NO

VIII. RELATED CASE(S) IF ANY (See Instructions):

JUDGE

Docket Number

DATE 10/24/2007

SIGNATURE OF ATTORNEY OF RECORD

R. Mullen

LODGED

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28CLERK, U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
RIVERSIDE2007 NOV - 7 PM 2:10
CLERK, U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
RIVERSIDE

FILED

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

ED CV 07 - 01470 CBM

NORMAN BROWN,

Petitioner,

vs.

L. E. SCRIBNER, Warden,

Respondent.

Civil No. 07-2079 JAH (AJB)

ORDER TRANSFERRING ACTION
TO UNITED STATES DISTRICT
COURT FOR THE CENTRAL
DISTRICT OF CALIFORNIA,
EASTERN DIVISION

Petitioner is a state prisoner proceeding pro se with a habeas corpus action filed pursuant to 28 U.S.C. § 2254 along with an application to proceed in forma pauperis and a motion for appointment of counsel. Upon reviewing the petition, the Court finds that this case should be transferred in the interest of justice. Therefore, the Court shall not rule on Petitioner's in forma pauperis status or the motion for appointment of counsel.

A petition for writ of habeas corpus may be filed in the United States District Court of either the judicial district in which the petitioner is presently confined or the judicial district in which he was convicted and sentenced. *See* 28 U.S.C. § 2241(d); *Braden v. 30th Judicial Circuit Court*, 410 U.S. 484, 497 (1973). The application in the present matter attacks a judgment of conviction that was entered in the Riverside County Superior Court, which is within the jurisdictional boundaries of the United States District Court for the Central District of California, Eastern Division. 28 U.S.C. § 84(c)(1). Petitioner is presently confined at Calipatria

DOCKETED ON CM

NOV 16 2007

BY


07cv2079

1 State Prison in Calipatria, California, located in Imperial County, which is within the
2 jurisdictional boundaries of the United States District Court for the Southern District of
3 California. 28 U.S.C. § 84(d). Thus, jurisdiction exists in both the Central and Southern
4 Districts.

5 When a habeas petitioner is challenging a judgment of conviction, the district court of the
6 district in which the judgment of conviction was entered is a more convenient forum because of
7 the accessibility of evidence, records and witnesses. Thus, it is generally the practice of the
8 district courts in California to transfer habeas actions questioning judgments of conviction to the
9 district in which the judgment was entered. Any and all records, witnesses and evidence
10 necessary for the resolution of Petitioner's contentions are available in Riverside County. *See*
11 *Braden*, 410 U.S. at 497, 499 n.15 (stating that a court can, of course, transfer habeas cases to
12 the district of conviction which is ordinarily a more convenient forum); *Laue v. Nelson*, 279
13 F. Supp. 265, 266 (N.D. Cal. 1968).

14 Therefore, in the furtherance of justice, **IT IS ORDERED** that the Clerk of this Court
15 transfer this matter to the United States District Court for the Central District of California,
16 Eastern Division. *See* 28 U.S.C. § 2241(d). **IT IS FURTHER ORDERED** that the Clerk of
17 this Court serve a copy of this Order upon Petitioner and upon the California Attorney General.

18
19 DATED: November 2, 2007

20 
21 JOHN A. HOUSTON
22 United States District Judge

23
24
25 I hereby attest and certify on 11-5-07
26 That the foregoing document is a full, true and correct
27 copy of the original on file in my office and in my legal
28 custody.

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

By  Deputy

UNITED STATES DISTRICT COURT

Southern District Of California
Office Of The Clerk
880 Front Street, Room 4290
San Diego, California 92101-8900
Phone: (619) 557-5600
Fax: (619) 702-9900

W. Samuel Hamrick, Jr.
Clerk of Court

November 5, 2007

United States District Court
Central District of California, Eastern Division
3470 Twelfth Street
Riverside, CA 92501

Re: Brown vs. Scribner, Case No. 07CV2079-JAH(AJB)

Dear Sir or Madam:

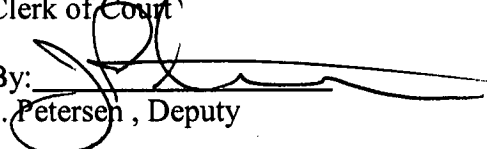
Pursuant to Order transferring the above-entitled action to your District, we are transmitting herewith our entire original file (excepting said Order).

Enclosed are a certified copy of our Docket and of the Order transferring the action, the originals of which we are retaining.

Please acknowledge receipt on the copy of this letter and return. Thank you.

Sincerely yours,

W. Samuel Hamrick, Jr.
Clerk of Court

By: 
J. Petersen, Deputy

Copy to Attorney for Plaintiffs:
Copy to Attorney for Defendants:

RECEIVED ITEMS DESCRIBED

THIS DATE OF **NOV - 7 2007**
AND ASSIGNED CASE NUMBER **ED CV 07 - 01470**

CLERK, U.S. DISTRICT COURT

By: L. MURRAY, Deputy

2007 NOV - 7 PM 2:10
CLERK, U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
RIVERSIDE

FILED

(AN)



SHERRI R. CARTER
District Court Executive and
Clerk of Court

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**
312 North Spring Street, Room G-8
Los Angeles, CA 90012
Tel: (213) 894-3535

SOUTHERN DIVISION
411 West Fourth Street, Suite 1053
Santa Ana, CA 92701-4516
(714) 338-4750

EASTERN DIVISION
3470 Twelfth Street, Room 134
Riverside, CA 92501
(951) 328-4450

November 7, 2007

Norman Brown C-52068
C.S.P. CAL/B3-101
P.O. Box 5004
Calipatria, California 92233

Re: Petition for Writ of Habeas Corpus by a Person in ☐ Federal Custody / ☒ State Custody
Formerly No. 07-2079 JAH (AJB) ,
in the U.S. District Court., Southern District of California
Assigned Civil No. EDCV 07-01470 CBM (AN) in the U.S. District Court, Central District of California

Dear Sir/Madam:

The above case has been transferred to this District and assigned the number shown above. Please refer to this number in all future communications and address all correspondence to the attention of:

- ☐ Courtroom Deputy Clerk for Judge _____
☒ Courtroom Deputy Clerk for Magistrate Judge Arthur Nakazato

Under Local Court Rule 11-4.1, all documents in this Court are filed original plus one unexecuted copy, which must be clear and legible (the first carbon). The copy is for use by the ☐ Judge / ☒ Magistrate Judge.

Local Court Rule 11 has many requirements as to form of documents. A copy thereof is enclosed to assist you in your action now before this Court.

Local Court Rule 41-6 requires that a party proceeding pro se shall keep the Court and opposing counsel apprised of such party's current address. If mail directed by the clerk to such address of record is returned undelivered by the Post Office, and if such pro se party fails to notify, in writing, the Court and opposing parties within fifteen (15) days thereafter of his current address, the Court may dismiss the action with or without prejudice for want of prosecution.

Very truly yours,

Clerk, U.S. District Court

By L. Murray
Deputy Clerk

Enclosures: Copy of Local Rules 5, 7, 26-37, and 41



SHERRI R. CARTER
District Court Executive
and Clerk of Court

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION
312 North Spring Street, Room G-8 Los
Angeles, CA 90012
Tel: (213) 894-3535

SOUTHERN DIVISION
411 West Fourth Street, Suite 1053
Santa Ana, CA 92701-4516
(714) 338-4570

EASTERN DIVISION
3470 Twelfth Street, Room 134
Riverside, CA 92501
(951) 328-4450

Wednesday, November 07, 2007

NORMAN BROWN #C-52068
C.S.P. CAL/B3-101
P.O. BOX 5004
CALIPATRIA, CALIFORNIA 92233

Dear Sir/Madam:

Your petition has been filed and assigned civil case number EDCV07- 1470 CBM (AN)

Upon the submission of your petition, it was noted that the following discrepancies exist:

- ☒ 1. You did not pay the appropriate filing fee of \$5.00. Submit a cashier's check, certified bank check, business or corporate check, government issued check, or money order drawn on a major American bank or the United States Postal Service payable to 'Clerk U.S. District Court'. If you are unable to pay the entire filing fee at this time, you must sign and complete this court's Prisoner's Declaration In Support of Request to Proceed In Forma Pauperis in its entirety. The Clerk's Office will also accept credit cards (Mastercard, Visa, Discover, American Express) for filing fees and miscellaneous fees. Credit card payments may be made at all payment windows where receipts are issued.
- ☐ 2. The Declaration in Support of Request to Proceed in Forma Pauperis is insufficient because:
- ☐ (a) You did not sign your Declaration in Support of Request to Proceed in Forma Pauperis.
- ☐ (b) Your Declaration in Support of Request to Proceed in Forma Pauperis was not completed in its entirety.
- ☐ (c) You did not submit a Certificate of Prisoner's Funds completed and signed by an authorized officer at the prison.
- ☐ (d) You did not use the correct form. You must submit this court's current Declaration in Support of Request to Proceed in Forma Pauperis.
- ☐ (e) Other: _____

Enclosed you will find this court's current Prisoner's Declaration in Support of Request to Proceed in Forma Pauperis, which includes a Certificate of Funds in Prisoner's Account Form.

Sincerely,

Clerk, U.S. District Court

LMURRAY

By: _____

Deputy Clerk

CLOSED, HABEAS

U.S. District Court
Southern District of California (San Diego)
CIVIL DOCKET FOR CASE #: 3:07-cv-02079-JAH-AJB
Internal Use Only

Brown v. Scribner
Assigned to: Judge John A. Houston
Referred to: Magistrate Judge Anthony J. Battaglia
Cause: 28:2254 Petition for Writ of Habeas Corpus (State)

Date Filed: 10/24/2007
Date Terminated: 11/02/2007
Jury Demand: None
Nature of Suit: 530 Habeas Corpus
(General)
Jurisdiction: Federal Question

Petitioner**Norman Brown**

represented by **Norman Brown**
C-52068
California State Prison, Calipatria
PO Box 5004
Calipatria, CA 92233
PRO SE

V.

Respondent**L E Scribner**
Warden

represented by **Attorney General**
State of California
Office of the Attorney General
110 West A Street
Suite 1100
San Diego, CA 92101-5266
(619)645-2076
Fax: (619)645-2313
Email: docketingsdawt@doj.ca.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
10/24/2007	<u>1</u>	PETITION for Writ of Habeas Corpus (Filing fee \$ 0. Not paid, motion for IFP submitted), filed by Norman Brown.(rxm)(bar). (Entered: 10/31/2007)
10/24/2007	<u>2</u>	MOTION for Leave to Proceed in forma pauperis by Norman Brown. (rxm) (Entered: 10/31/2007)

10/24/2007	<u>3</u>	MOTION to Appoint Counsel by Norman Brown. (rxm) (Entered: 10/31/2007)
11/02/2007	<u>4</u>	ORDER transferring action to United States District Court for the Central District of California, Eastern Division. Original file, certified copy of transfer order, and docket sheet sent. Signed by Judge John A. Houston on 11/02/07. (jpp) (Entered: 11/05/2007)
11/05/2007	<u>5</u>	Transfer Letter to USDC Central District of California, Eastern Division. (jpp) (Entered: 11/05/2007)

I hereby attest and certify on 11-7-07
That the foregoing document is a full, true and correct
copy of the original on file in my office and in my legal
custody.

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

By  Deputy

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, EASTERN DIVISION
3470 TWELFTH STREET
RIVERSIDE, CA 92501

RECEIVED

2007 NOV 13 PM 5:06

CLERK, U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
RIVERSIDE

BY _____

UNITED STATES DISTRICT COURT

Southern District Of California
Office Of The Clerk
880 Front Street, Room 4290
San Diego, California 92101-8900
Phone: (619) 557-5600
Fax: (619) 702-9900

W. Samuel Hamrick, Jr.
Clerk of Court

November 5, 2007

United States District Court
Central District of California, Eastern Division
3470 Twelfth Street
Riverside, CA 92501

Re: Brown vs. Scribner, Case No. 07CV2079-JAH(AJB)

Dear Sir or Madam:

Pursuant to Order transferring the above-entitled action to your District, we are transmitting herewith our entire original file (excepting said Order).

Enclosed are a certified copy of our Docket and of the Order transferring the action, the originals of which we are retaining.

Please acknowledge receipt on the copy of this letter and return. Thank you.

Sincerely yours,

W. Samuel Hamrick, Jr.
Clerk of Court

By: s/J. Petersen
Deputy

Copy to Attorney for Plaintiffs:
Copy to Attorney for Defendants:

RECEIVED ITEMS DESCRIBED

THIS DATE OF _____
AND ASSIGNED CASE NUMBER _____

CLERK, U.S. DISTRICT COURT

By: _____, Deputy

11/7/07
left out of
her package
J. Hamrick

JS44

(Rev. 07/89)

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM.)

I (a) PLAINTIFFS

Norman Anthony Brown

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF **Imperial**
(EXCEPT IN U.S. PLAINTIFF CASES)

DEFENDANTS

LE Scribner
CLERK U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
DEPUTY

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Norman Anthony Brown
PO Box 5004
Calipatria, CA 92233
C-52068

ATTORNEYS (IF KNOWN)

'08 CV 0061 W AIB

II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | | | | |
|----------------------------|----------------------------|---|----------------------------|----------------------------|
| PT | DEF | | PT | DEF |
| <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Citizen of This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Citizen of Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Citizen or Subject of a Foreign Country | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |
| | | Incorporated or Principal Place of Business in This State | | |
| | | Incorporated and Principal Place of Business in Another State | | |
| | | Foreign Nation | | |

IV. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY).

28 U.S.C. 2254

V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reappointment
<input type="checkbox"/> Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury-Medical Malpractice	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	PROPERTY RIGHTS	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 450 Commerce/ICC Rates/etc.
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 640 RR & Truck	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	PERSONAL PROPERTY	<input type="checkbox"/> 650 Airline Regs	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 660 Occupational Safety/Health	SOCIAL SECURITY	<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 153 Recovery of Overpayment of Veterans Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 861 HIA (13958)	<input type="checkbox"/> 850 Securities/Commodities Exchange
<input type="checkbox"/> 160 Stockholders Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 385 Property Damage Product Liability	LABOR	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 875 Customer Challenge 12 USC
<input type="checkbox"/> Other Contract	<input type="checkbox"/> 360 Other Personal Injury		<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 195 Contract Product Liability			<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 892 Economic Stabilization Act
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 865 RSI (405(e))	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus	<input type="checkbox"/> 740 Railway Labor Act	FEDERAL TAX SUITS	<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	<input checked="" type="checkbox"/> 530 General	<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 791 Empl. Ret. Inc.	<input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 240 Tort to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> Security Act		<input type="checkbox"/> 950 Constitutionality of State
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 550 Civil Rights			<input type="checkbox"/> 890 Other Statutory Actions
<input type="checkbox"/> 290 All Other Real Property					

VI. ORIGIN (PLACE AN X IN ONE BOX ONLY)

- 1 Original Proceeding ☐ 2 Removal from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☒ 5 Transferred from another district (specify) **CENTRAL CA** ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER f.r.c.p. 23

DEMAND \$

Check YES only if demanded in complaint:

JURY DEMAND: ☐ YES ☐ NO

VIII. RELATED CASE(S) IF ANY (See Instructions):

JUDGE

Docket Number

DATE 1/7/2008

SIGNATURE OF ATTORNEY OF RECORD

